

## REMARKS

Claims 1 to 3 and 10 to 15 are in the case.

With this amendment, Claim 1 has been amended in a manner to more clearly define over the prior art newly cited. Claims 10 and 11 have also been amended in view of the amendments to Claim 1 and also in accordance with the Examiner's objection to Claim 11.

In greater detail, Claim 1 has been amended to recite that the longitudinal axis of both the upper portion and lower portion lie in planes which are generally perpendicular to each other. This clearly differentiates over the reference of Woodbury which teaches a fishing rod holder wherein the two portions could not lie in generally perpendicular planes. In other words, the reference of Woodbury is one which shows a support for an elongated member (a fishing pole) whereas the present invention teaches a holder which is designed to support a hair dryer having a handle which is perpendicular to the nozzle.

The other references, including the secondary reference of U.S. Patent 6,409,131 to Bentley et al. do not make up for this deficiency.

Reconsideration of the Examiner's withdrawal from consideration of Claims 12 to 15 is respectfully requested. These claims are dependent on Claim 1 and add further restrictions thereto.

As noted in the original restriction requirement, upon the allowance of a generic claim, Applicant is entitled to consideration of claims to additional species which are written in dependant form. This is the case in the instant application.

It is now believed this application is in order for allowance, and such action is respectfully solicited.

Respectfully,



Eric Fincham  
Reg. 28,201

#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: Mail Stop - Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on *Nov 3, 2004*

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